

84TH CONGRESS  
1ST SESSION

# H. R. 5614

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IN THE SENATE OF THE UNITED STATES

JULY 22, 1955

Read twice and referred to the Committee on Interstate and Foreign Commerce

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## AN ACT

To amend the Communications Act of 1934 in regard to protests of grants of instruments of authorization without hearing.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That subsection (c) of section 309 of the Communications  
4       Act of 1934, as amended, is amended to read as follows:  
5       “(c) When any instrument of authorization is granted  
6       by the Commission without a hearing as provided in sub-  
7       section (a) hereof, such grant shall remain subject to protest  
8       as hereinafter provided for a period of thirty days. During  
9       such thirty-day period any party in interest may file a pro-  
10      test under oath directed to such grant and request a hearing

1 on said application so granted. Any protest so filed shall  
2 be served on the grantee, shall contain such allegations of  
3 fact as will show the protestant to be a party in interest,  
4 and shall specify with particularity the facts relied upon by  
5 the protestant as showing that the grant was improperly  
6 made or would otherwise not be in the public interest. The  
7 Commission shall, within thirty days of the filing of the  
8 protest, render a decision making findings as to the sufficiency  
9 of the protest in meeting the above requirements; and, where  
10 it so finds, shall designate the application for hearing upon  
11 issues relating to all matters specified in the protest as  
12 grounds for setting aside the grant, except with respect to  
13 such matters as to which the Commission, after affording  
14 protestant an opportunity for oral argument, finds, for  
15 reasons set forth in the decision, that, even if the facts  
16 alleged were to be proven, no grounds for setting aside the  
17 grant are presented. The Commission may in such decision  
18 redraft the issues urged by the protestant in accordance with  
19 the facts or substantive matters alleged in the protest, and  
20 may also specify in such decision that the application be  
21 set for hearing upon such further issues as it may prescribe,  
22 as well as whether it is adopting as its own any of the  
23 issues resulting from the matters specified in the protest.  
24 In any hearing subsequently held upon such application  
25 issues specified by the Commission upon its own initiative

1 or adopted by it shall be tried in the same manner provided  
2 in subsection (b) hereof, but with respect to issues resulting  
3 from facts set forth in the protest and not adopted or speci-  
4 fied by the Commission, on its own motion, both the burden  
5 of proceeding with the introduction of evidence and the bur-  
6 den of proof shall be upon the protestant. The hearing and  
7 determination of cases arising under this subsection shall be  
8 expedited by the Commission and pending hearing and de-  
9 cision the effective date of the Commission's action to which  
10 protest is made shall be postponed to the effective date of the  
11 Commission's decision after hearing, unless the authoriza-  
12 tion involved is necessary to the maintenance or conduct of  
13 an existing service, or unless the Commission affirmatively  
14 finds for reasons set forth in the decision that the public  
15 interest requires that the grant remain in effect, in which  
16 event the Commission shall authorize the applicant to utilize  
17 the facilities or authorization in question pending the Commis-  
18 sion's decision after hearing."

Passed the House of Representatives July 21, 1955.

Attest:

RALPH R. ROBERTS,

*Clerk.*

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